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9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN JOSE DIVISION

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13 UNITED STATES OF AMERICA,) Case No. 5:19-cr-55-LHK
14 Plaintiff,)
15 v.) STIPULATION AND PROTECTIVE ORDER
16 DAVID JOHN RIOS,)
17 Defendant.)
18)

19 With the agreement of the parties, the Court enters the following Protective Order:

20 Defendant is charged with three counts of felon in possession of firearms and ammunition. The
21 United States will produce documents and other materials pertaining to the defendant and the charged
22 offenses to defense counsel. The discovery to be provided includes documents or other materials falling
23 into one or more of the following categories (collectively, “Protected Information”):

24 1. Personal Identifying Information of any individual (other than his or her name), including
25 without limitation any person’s date of birth, social security number, residence or business
26 address, telephone numbers, email addresses, driver’s license number, professional license
27 number, family members names, or criminal histories (“Personal Identifying Information”);
28 and

1 2. Financial information of any individual or business, including without limitation bank
2 account numbers, credit or debit card numbers, account passwords, contact information, and
3 taxpayer identification numbers (“Financial Information”).

4 To ensure that Protected Information is not subject to unauthorized disclosure or misuse,

5 **IT IS HEREBY ORDERED** that defense counsel of record, their investigators, assistants, and
6 employees (collectively, “the defense team”) may review with the defendant all discovery material
7 produced by the government, but shall not provide a defendant with copies of, or permit defendant to
8 make copies of, or have unsupervised access to, any discovery material produced by the government that
9 contains Protected Information, unless the Personal Identifying Information and/or Financial
10 Information has first been **entirely redacted** from the discovery materials. The government and defense
11 counsel are ordered to work together to ensure that these materials are protected, but that defendant has
12 as much access to the materials as can be provided consistent with this Court’s order. Discovery
13 material that clearly pertains to a specific defendant and does not contain Protected Information
14 regarding any other person (*e.g.*, defendant’s own bank records, telephone records, and business records)
15 may be provided to that defendant unredacted.

16 Defense counsel may also provide unredacted copies of Protected Information to any experts
17 retained to assist with the preparation of the defense in the captioned case. The defendant, all members
18 of the defense team, and any experts who receive discovery under this Order shall be provided a copy of
19 this Order along with those materials and shall initial and date the order reflecting their agreement to be
20 bound by it.

21 The materials provided pursuant to this protective order may only be used for the specific
22 purpose of preparing or presenting a defense in this matter unless specifically authorized by the Court.

23 This Order shall also apply to any copies made of any materials covered by this Order.

24 **IT IS FURTHER ORDERED** that neither a defendant nor any member of the defense team
25 shall provide any discovery material produced by the government—whether or not the material
26 constitutes or contains Protected Information within the meaning of this Order—to any third party (*i.e.*,
27 any person who is not a member of the defense team) or make any public disclosure of the same, other
28 than in a court filing, without the government’s express written permission or further order of this Court.

1 If a party files a pleading that references or contains or attaches Protected Information subject to this
2 Order, that filing must be under seal.¹

3 **IT IS FURTHER ORDERED** that defense counsel shall return materials subject to this
4 Protective Order (including any copies) to the United States within 14 days after whichever event occurs
5 last in time: dismissal of all charges against the defendant; defendant's acquittal; defendant's sentencing;
6 or the conclusion of any direct appeal. After the United States receives documents and materials subject
7 to this Order, it shall maintain those documents and materials until the period for filing a motion under
8 28 U.S.C. § 2255 has expired. After the statutory period for filing a motion under 28 U.S.C. § 2255 has
9 expired, the United States is free to destroy documents and materials subject to this Order. If defendant
10 is represented by counsel and files a motion pursuant to 28 U.S.C. § 2255, the United States will provide
11 counsel with the documents and materials subject to this Protective Order under the terms of this Order.
12 Defendant's attorney in any motion under 28 U.S.C. § 2255 shall return the documents and materials
13 subject to this Protective Order within 14 days after the district court's ruling on the motion or 14 days
14 after the conclusion of any direct appeal of the district court's order denying the motion, whichever is
15 later. This stipulation is without prejudice to either party applying to the Court to modify the terms of

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28 ¹ This Order authorizes such filings under seal and the parties are not required to seek additional
authorization from the Court to do so.

1 any protective order. This Court shall retain jurisdiction to modify this Order upon motion of either
2 party even after the conclusion of district court proceedings in this case.

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4 **IT IS SO STIPULATED.**

DAVID L. ANDERSON
United States Attorney

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6 Dated: February 21, 2019

7 /s/
SARAH E. GRISWOLD
8 Assistant United States Attorney

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/s/
VARELL L. FULLER
11 Assistant Federal Public Defender
12 Counsel for Defendant DAVID JOHN RIOS

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14 **IT IS SO ORDERED.**

15 Dated: February 22, 2019

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HON. LUCY H. KOH
~~United States District Judge~~
17 Hon. Susan van Keulen
18 United States Magistrate Judge

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